

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER, §
§
Plaintiff, §
§
v. § Civil Action No.
§ 03:17-cv-02278-S

SOUTHWEST AIRLINES CO., §
AND TRANSPORT WORKERS §
UNION OF AMERICA LOCAL §
556, §
§
Defendants. §

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF
CHARLENE CARTER
November 20, 2020

PORTIONS OF TRANSCRIPT DESIGNATED CONFIDENTIAL:
PAGE 132:13 THROUGH 134:6
PAGE 134:19 THROUGH 135:10

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF CHARLENE CARTER, located at her residence in Aurora, Colorado, produced as a witness at the instance of the Defendant Southwest Airlines Co., and duly sworn, taken in the above-styled and numbered cause on November 20, 2020, from 10:02 a.m. to 4:36 p.m., before Joseph D. Hendrick, Certified Shorthand Reporter in and for the State of Texas, reported by machine shorthand, pursuant to Notice and the Federal Rules of Civil Procedure and any provisions stated on the record or attached hereto.

Job No. 4341722

1 Q. She -- so -- let me put it back up. I'm
2 sorry. That's a bad question.

3 A. I --

4 Q. So when she said she doesn't want -- when
5 you write here, "She doesn't want me to let on that I
6 know this in the meeting" --

7 A. Yeah, the --

8 Q. What is the "this" -- what is the "this" in
9 that sentence?

10 A. "This" would be that -- okay. Let's see.
11 "She doesn't want me to let on that I know" that --
12 that I know that she knows that it was Audrey Stone who
13 turned -- she wanted to make that reference to Mike
14 Sims. She wanted to have that meeting with Mike Sims.
15 But I already stated it within my meeting that it was
16 Audrey Stone, my union president, that turned me in.

17 Q. In the message below, Ms. Jackson says,
18 "I'll call you when I get in my car." Did you guys
19 have a conversation about this message?

20 A. You know what? I don't recall.

21 Q. You understand that in your lawsuit you
22 assert that Ed Schneider terminated you, in part at
23 least, based on your religious beliefs, correct?

24 A. That is correct.

25 Q. What is your basis for that assertion?

1 A. I told him that I was a Christian in my
2 faith -- in my fact-finding meeting and that I am
3 against -- well, I was against the march and them
4 marching for Planned Parenthood due to my strong
5 beliefs against abortion.

6 Q. Do you have any evidence that Mr. Schneider
7 would have reached a different outcome had you been --
8 held the same views but they were not related to your
9 religious beliefs?

10 A. That, I cannot speak for him.

11 Q. I'm asking if you have any evidence of that
12 or anything you would point to for that fact.

13 A. I believe that if -- I should have been
14 able to, given -- and not knowing this prior to this --
15 that I could have some kind of accommodation because of
16 my Christian religion, but when I said that within that
17 meeting, maybe he should have referred me to -- I
18 believe now it's called the ACT committee. I had no
19 idea that that committee even existed.

20 Q. Are you aware of Southwest ever giving a
21 religious accommodation to excuse prior conduct?

22 MR. GILLIAM: Objection to the extent it
23 calls for a legal conclusion.

24 A. I do not. I had never known -- I believe
25 that if you stated that you were a Christian, you know,

1 they -- I clearly stated I was a Christian. I don't
2 believe that my union president should have gone to a
3 march that supported Planned Parenthood and who was the
4 main sponsor of that march. When she went to represent
5 us, she put herself and our union, our -- she
6 represented us at a march that supported abortion, so
7 in this context, yes, I believe that I should have had
8 a somewhat -- at least send me to the ACT team, talk to
9 me about it, why is it that I cannot express my
10 dislike, because that's always been the case with our
11 union leadership, but for some reason in my case it's
12 not. And yes, my Christian beliefs should have been
13 recognized within my union fact-finding meeting. I
14 brought it up several times in that meeting.

15 BY MR. CORRELL:

16 Q. Ms. Carter, as you sit here today, is it
17 your sworn testimony that you cannot tell me what
18 accommodation you wanted to request from Southwest
19 Airlines?

20 A. I don't know what the accommodations are.
21 I don't even know what the ACT team was until just
22 recently.

23 Q. I'll give you an example --

24 A. What I can't say is if I don't -- they
25 should have recognized my Christian beliefs within the

1 fact-finding meeting when I said I don't -- I -- I
2 don't believe in abortion and I don't believe that
3 our -- my union president should have taken our dues
4 and spent it on a march. This -- this had everything
5 to do with just that march.

6 Q. Ms. Carter, what I'm asking you is what is
7 it you're saying Southwest Airlines should have done to
8 accommodate your religious beliefs as soon as you
9 raised them?

10 MR. GILLIAM: Objection to the extent it
11 calls for a legal conclusion. You can answer.

12 BY MR. CORRELL:

13 Q. Are you testifying that they should have
14 just said never mind to this --

15 A. They should not have fired me over my
16 Christian beliefs.

17 Q. Okay.

18 A. After I expressed them in the union meeting
19 and we could have sat down and at least had a
20 conversation regarding that.

21 Q. So is there any limit to what you would be
22 allowed to say to express your Christian beliefs to
23 other employees of Southwest Airlines in your personal
24 view?

25 MR. GILLIAM: Objection. Incomplete

1 hypothetical.

2 A. They should have accommodated this.

3 BY MR. CORRELL:

4 Q. My question to you, Ms. Carter, is not
5 whether they should have accommodated this -- have
6 accommodated this. I'm trying to find the parameters
7 of the accommodation you claim you were denied. You
8 understand you are claiming in your lawsuit you were
9 denied an accommodation?

10 A. Yes, I was denied an accommodation.

11 Q. Do you understand that an accommodation is
12 an exception from a policy to allow for religious
13 beliefs?

14 MR. GILLIAM: Objection. Asks for a legal
15 conclusion.

16 A. I'm just gonna tell you right now I believe
17 that I should have had an accommodation on this
18 specific one, yes.

19 BY MR. CORRELL:

20 Q. And what would that have looked like?

21 A. I don't know how they write up the
22 accommodations. I don't know. I -- I never even knew
23 you had to have an accommodation. I believe my
24 accommodation falls under Title VII of the civil rights
25 that I have as a Christian or a believer, that due --

1 and due to the fact that my union president spent money
2 to go to a march that supported abortion. If you're
3 going to go to a march regarding this type of behavior,
4 this reflected that behavior and I should have had my
5 accommodations met once I said I was a Christian, but
6 honestly, this should have also been through the union
7 representatives, they knew where I stood on this.

8 Q. So your testimony is that you believe
9 Southwest should allow you to say whatever you want
10 however you want if it is in support of your Christian
11 beliefs?

12 MR. GILLIAM: Objection. Incomplete
13 hypothetical.

14 A. In this context --

15 BY MR. CORRELL:

16 Q. Hang on. Hang on.

17 A. In this context, yes.

18 Q. Hang on, Ms. Carter. Your testimony --

19 MR. CORRELL: Not a hypothetical, counsel.

20 BY MR. CORRELL:

21 Q. -- is that the accommodation you should
22 have been provided is the right to say whatever you
23 want however you want if it is in support of your
24 Christian beliefs?

25 A. Again --

1 MR. GILLIAM: Objection. Calls for a legal
2 conclusion.

3 A. Again, this was due to a march that my
4 union president went to, wore pink pussyhats, marched
5 with a bunch of women in support of, with being the
6 main sponsor Planned Parenthood. So in this particular
7 instance, yes, they should have given me, in this
8 particular instance, they should have given me an
9 accommodation.

10 BY MR. CORRELL:

11 Q. Okay. So all they needed to do --

12 A. So should -- so should have the union.
13 This should have never gone to the -- the company.
14 This should have been handled within the union
15 parameters.

16 Q. Let me ask this differently, then.

17 So I understand you're saying part of what
18 you requested was that you be excused for the messages
19 you previously sent to Ms. Stone.

20 Do I have that correct?

21 A. Correct.

22 Q. Would you also have sought to be allowed to
23 send those employees to other employees again in the
24 future?

25 A. I would have never sent those messages to

1 anybody. This was in reflection -- or this was due to
2 the actual march that -- and I only sent it to my union
3 president because she is the one that led this
4 particular march, as in led these flight attendants to
5 this women's committee meeting and to the march. I
6 never sent it to anyone else. She was the leader and
7 this is the reason it got sent to her. There was no
8 reason for me to send it to anyone else. And it was in
9 her capacity as the union president, not her
10 personally.

11 MR. GILLIAM: Counsel, whenever it's
12 convenient for you, if you want to take a break, that's
13 fine. I think everybody's ready.

14 MR. CORRELL: Yeah, give me just two more
15 minutes and I think we'll be good.

16 MR. GILLIAM: Okay.

17 MR. CORRELL: Yeah, let's go ahead and take
18 a break now.

19 MR. GILLIAM: Okay. All right. About
20 what --

21 VIDEOGRAPHER: Hold on. Hang on. We are
22 going off the record at 11:01 a.m.

23 (Break from 11:01 a.m. until 11:14 a.m.)

24 VIDEOGRAPHER: We are going back on the
25 record at 11:14 a.m.

1 BY MR. CORRELL:

2 Q. Ms. Carter, before we took the break we had
3 started to talk about -- or we had gone into and talked
4 about religious accommodation issues. Before that, the
5 question I'd put to you was essentially what evidence
6 do you have that Mr. Schneider sought to discriminate
7 you on the basis of your religious beliefs and I
8 believe your answer was that he did not provide you
9 with a religious accommodation or direct you to the ACT
10 team. Do I have that correct?

11 A. Yes.

12 Q. Is there any other evidence that you
13 possess that Mr. Schneider acted against you because he
14 was hostile to or discriminating against your religious
15 beliefs?

16 A. No.

17 Q. Do you have any evidence that Mr. Schneider
18 was hostile to you or acting against you because you
19 were a union objector?

20 A. No.

21 Q. Ms. Jones, Meggan Jones was the assistant
22 base manager at Denver, correct?

23 A. Yes.

24 Q. And she participated in the fact-finding,
25 right?

1 I had never filed a grievance before so I was unclear
2 of how things happened.

3 Q. Other than providing you with that
4 information, did Ms. Wann do anything else that you are
5 aware of in response to your communications with her at
6 this time?

7 A. No.

8 Q. What did Ms. Deloache provide you, if
9 anything?

10 A. The same type of thing.

11 Q. Anything she provided that Ms. Wann did
12 not?

13 A. No.

14 Q. Other than Ms. Wann and Ms. Deloache, were
15 you communicating with anyone -- and Ms. Jackson, were
16 you communicating with anyone else about your step 2
17 proceedings at this time?

18 A. I don't believe so.

19 Q. Now, the result of your step 2 hearing was
20 an offer of reinstatement subject to a last chance
21 agreement, correct?

22 A. Correct.

23 Q. And you did not accept that last chance
24 agreement, correct?

25 A. Correct.

1 (Deposition Ex. 6 marked)

2 BY MR. CORRELL:

3 Q. I am going to show you what will be marked
4 as Exhibit 6 to your deposition. Just a moment here.
5 You should have that in just a moment here and it
6 should populate, like I said, as Exhibit 6. Let me
7 know when you have that. I know it may take a minute.

8 A. Okay. I have it.

9 Q. Do you recognize this document?

10 A. Yes.

11 Q. What is this document?

12 A. This is the settlement statement that they
13 offered me.

14 Q. Why did you decline this offer of
15 reinstatement?

16 A. Several reasons. One, first big -- the
17 biggest reason is that I have known flight attendants
18 that have accepted this, and as soon as they accepted
19 it, somebody had turned them in for something that they
20 had done in the past and then they got fired again.

21 Another reason I did not accept this was
22 due to the fact that they wanted to put a letter in my
23 file for 24 months, which exceeded the contract. It
24 was only supposed to be in there at the -- at the very
25 most for 18 months, so which that meant if, you know, I

1 sneezed wrong on the airplane within 24 months of
2 basically being on probation again, I would be fired.
3 I would have no recourse if somebody, you know, decided
4 to turn me in for past social media, and I know people
5 were looking for that, and I would get fired
6 immediately after signing this.

7 Another thing is, is that this was union
8 business and the company actually got involved in union
9 business, which never happened in the past, and I
10 believe that this should have been just handled within
11 the union, and I would have been signing all my rights
12 away. And on top of that, I had already been speaking
13 regarding this. Again, if I would have signed this,
14 somebody could have dredged something up from the past
15 and had me fired over speaking about it in the past and
16 that has happened to other flight attendants. So I
17 knew in signing this, it would be pretty much my death
18 sentence at Southwest.

19 Q. The first point you raised, who do you know
20 who accepted the last chance agreement and was
21 subsequently terminated for conduct that predated the
22 last chance agreement?

23 A. Holly Immamovic.

24 Q. Now your testimony is that the behavior
25 that got her fired occurred before she accepted the

1 attorney-client privileged information.

2 THE WITNESS: Okay.

3 A. Only because I knew it had happened in --
4 in our system.

5 BY MR. CORRELL:

6 Q. Can you give me an example?

7 A. I -- you know what? I -- I can't right at
8 the moment.

9 Q. Would it surprise --

10 A. The only -- the only one that I know of is
11 Holly Immamovic.

12 Q. The --

13 A. At that time -- at that time. And I can't
14 discuss the rest of that.

15 Q. Why are you unable to discuss the rest of
16 that?

17 MR. GILLIAM: If it's privileged
18 information then --

19 A. Yeah.

20 MR. CORRELL: Well, her communications with
21 Holly Immamovic are not going to be privileged.

22 MR. GILLIAM: Correct, right.

23 BY MR. CORRELL:

24 Q. So is there some other reason you are not
25 testifying as to the other details you are aware of

1 with respect to Holly Immamovic?

2 A. No. I just know that others were looking
3 for reasons to have other people terminated. It -- it
4 had become a hostile work environment and everybody was
5 on pins and needles at this point, and I was afraid to
6 sign this particular document and be subject to, let's
7 say, flying with another flight attendant who knew
8 about this and turned me in for something. I had never
9 been in trouble at my job before ever until this.

10 Q. I'm trying to understand, Ms. Carter, is
11 there anything on the face of this letter that led you
12 to believe that violations of other policies besides
13 the three listed in bullet 7 would result in immediate
14 termination on the face of this letter?

15 A. No, not on the face of this letter.

16 Q. Did Ms. Parker or Ms. Ross tell you that
17 any policy violation, no matter what it was, not the
18 three that are itemized here, but any of them, would
19 result in immediate termination?

20 A. Not in those words, no. They just said to
21 watch your back.

22 Q. What do you mean by that?

23 MR. GILLIAM: Objection. Calls for
24 speculation. You can answer.

25 A. Yeah, it -- it just means that if there was

1 another violation, that more than likely I would be
2 fired and I would have no recourse.

3 BY MR. CORRELL:

4 Q. Another violation of what?

5 A. Of really anything that fell under a policy
6 that Southwest Airlines has, and they --

7 Q. Would that --

8 A. And they would be watching me.

9 Q. What did Ms. Parker and Ms. Ross
10 specifically say that led you to believe that this
11 letter reached beyond the three listed policies?

12 A. This letter did not as in specific being
13 written. So no, it did not.

14 Q. I understand that, but I believe your
15 testimony just now was that when Ms. Ross and
16 Ms. Parker said "watch your back," you interpreted that
17 as them telling you that this extended to all policies
18 not just the three enumerated policies. Did I
19 understand that testimony correctly?

20 A. That is correct.

21 Q. Did they say anything other than the phrase
22 "watch your back" that led you to reach that
23 conclusion?

24 A. No, that would be -- that would be pretty
25 telling to me. Watch my back.

1 understand as a witness who was swearing under penalty
2 of perjury your own words, "quid pro quo religious
3 harassment," meant?

4 MR. GILLIAM: And to the extent it calls
5 for a legal conclusion, same objection.

6 BY MR. CORRELL:

7 Q. Okay. Were these your words, Ms. Carter?

8 A. Yes, these were my -- these were -- these
9 were written within my -- the context of my -- my
10 words, yes, but --

11 Q. Did you adopt these words --

12 A. But my -- my --

13 Q. I need to ask some questions here to lay a
14 foundation.

15 Did you adopt these words here as your own
16 when you were swearing to them under penalty of
17 perjury?

18 A. I'm not -- I'm not understanding. I
19 believe that Southwest Airlines violated me when I was
20 in my fact-finding meeting when I said I was a
21 Christian and that I put those things on my Facebook
22 page and referred them back to a women's march that my
23 union president took and spent my money for, and --

24 Q. And --

25 A. -- they -- they supported that and fired me

1 because of my direct dislike and expressing my
2 opinions, they violated my Christian rights, yes, I do
3 believe they did.

4 Q. Having noted counsel's objection, what is
5 your understanding of the phrase "quid pro quo
6 religious harassment"?

7 A. You're going to have to -- you're going to
8 have to re -- you're going to have to resay -- you're
9 going to have to re --

10 Q. Sure. In paragraph 9 where you say, and I
11 am paraphrasing here, please correct me if there's some
12 confusion created by it, as a result of the foregoing,
13 my employer engaged in quid pro quo religious
14 harassment. I have omitted the discussion of
15 discrimination because that's separate here. My
16 employer engaged in quid pro quo religious harassment.
17 What did you mean by that?

18 A. For me, it's they have been -- they've
19 represented -- they -- they -- the company has actually
20 promoted other -- how should I say this -- activities,
21 and never once -- how do I put this? They protect
22 everybody else, such as gay, lesbian, Black Lives
23 Matter, gay pride week, but they don't protect me under
24 my civil rights as being a Christian.

25 Q. So that's what you meant when you said, "My

1 A. I'm sorry?

2 Q. Is there any other basis for that opinion?

3 A. The other basis?

4 Q. Is there any other basis for that opinion?

5 Other than the documentation you've turned over to your
6 attorneys.

7 A. The rest of the march was basically all
8 about productive rights so Planned Parenthood.

9 Q. Did you attend the march?

10 A. I left the day that the march was starting.

11 Q. Okay. So what is your basis for forming
12 the opinion about what occurred at the march?

13 A. Because I was there while the women were
14 coming in to the march and the signs that they were
15 holding and it was basically a pro abortion versus pro
16 choice. For the most part I'd say 98 percent of the
17 march was that way.

18 Q. Okay. And again you weren't at the march,
19 were you?

20 A. I was in DC in the same areas. I left that
21 day.

22 Q. Okay. So to answer my question, you didn't
23 attend the march, correct?

24 A. I did not attend the march, no, I did not.

25 Q. So the foundation of your testimony that

1 Yeah, how?

2 MR. CORRELL: That's not a communication
3 between the lawyer and the client. He's -- we're
4 allowed to know the date of retention.

5 MR. GILLIAM: You can know -- you can --
6 you can tell them when you -- you retained me, but
7 don't reveal any communications that we had.

8 THE WITNESS: Honestly I don't even know
9 what the date was that I retained you guys.

10 BY MR. GREENFIELD:

11 Q. Okay. Was it before your termination?

12 A. No.

13 Q. Okay. In Exhibit 3, and we can pull it up
14 or not, you mentioned in the 2015 timeline an attorney
15 and you say, "My attorney says this is blatant
16 discrimination."

17 Who are you talking about?

18 A. That was a family attorney that I had been
19 sending stuff to that Brian Talbert was threatening me
20 with, and told him to either cease and desist or I
21 would -- you know, because he was -- basically it was
22 character assassination, and once I told him that I was
23 sending this to my attorney he stopped.

24 Q. The messages you sent to Ms. Stone, why did
25 you send them to her on her personal Facebook page?

1 A. It was the way that we communicated.

2 Her -- her whole Facebook page at the very beginning,
3 and you can still look it up, it says, "Audrey Stone
4 TWU." She changed that name after she turned me in.
5 That was the way she communicated to the membership
6 when she was running for president and she had all of
7 the stuff that, you know, her team was doing or was --
8 was going to do and so on and so forth, that's how we
9 communicated, and then through Messenger, there was
10 Messenger -- or communication through other board
11 members online through Facebook and Messenger.

12 Q. And I'm talking specifically about
13 Ms. Stone, you describe it as "the way we
14 communicated." Did Ms. Stone ever communicate with you
15 personally via Facebook Messenger?

16 A. It -- she didn't communicate with me at all
17 ever. Even if you called the office she wouldn't
18 return your call.

19 Q. Are you aware of Ms. Stone having a email
20 in her capacity as the union president?

21 A. Yes, and I sent her emails as well.

22 Q. Okay. And have you turned those over to
23 your counsel for production?

24 A. I did. I did.

25 Q. And when was the last email you sent